

## Message Text

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71

ORIGIN L-03

INFO OCT-01 EA-07 ISO-00 JUSE-00 SCA-01 /012 R

DRAFTED BY L/M:NHELY:EDD

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L/T - MR. A. ROVINE

EA/TB - MR. R. GIBSON

JUSTICE - MR. M. STEIN

----- 024429

R 210223Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY BANGKOK

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E.O. 11652: N/A

TAGS: PFOR, TH

SUBJECT: EXTRADITION TREATY NEGOTIATIONS -- THAILAND

REF: BANGKOK 9836

1. RE ARTICLE 1 BIS: UNDER THE LAWS OF THE UNITED STATES, CERTAIN OFFENSES SUCH AS CONSPIRACY TO IMPORT NARCOTICS, COUNTERFEITING OF UNITED STATES CURRENCY, ETC., MAY BE COMMITTED ENTIRELY OUTSIDE OF THE TERRITORY OF THE UNITED STATES AND STILL BE SUBJECT TO U.S. CRIMINAL JURISDICTION. DEEMED OF SPECIAL IMPORTANCE IS THE ABILITY TO EXTRADITE TO THE U.S. PERSONS DIRECTING OR INVOLVED IN NARCOTICS TRAFFICKING TO THE U.S. WHO MAY NEVER SET FOOT ON U.S. TERRITORY IN THIS CONNECTION. IF THERE SHOULD BE A SIMILAR PROVISION FOR CRIMINAL JURISDICTION UNDER THAI LAW, IT IS ASSUMED THAT THAILAND COULD GRANT EXTRADITION IN RESPECT OF SUCH OFFENSES AS THE REQUIREMENT FOR DUAL CRIMINALITY WOULD BE MET.

2. RE ARTICLE III OF THE SUPPLEMENTARY CONVENTION: THIS  
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ARTICLE IS SIMILAR TO THE PROVISION OF EXISTING ARTICLE VIII

OF 1922 TREATY EXCEPT THAT IT SPECIFIES THAT THE EXECUTIVE AUTHORITY SHALL HAVE THE POWER TO EXTRADITE ON A DISCRETIONARY BASIS. THIS CLAUSE IS CONSIDERED IMPORTANT BY THE UNITED STATES SINCE THE LANGUAGE OF THE EXISTING ARTICLE VIII HAS BEEN INTERPRETED BY THE UNITED STATES SUPREME COURT AS PROHIBITING THE EXTRADITION OF UNITED STATES CITIZENS. IT IS THE GENERAL POLICY OF THE DEPARTMENT OF STATE TO GRANT EXTRADITION REQUESTS FOR UNITED STATES CITIZENS SINCE THE LAWS OF THE UNITED STATES RARELY HAVE EXTRATERRITORIAL APPLICATION AND JUSTICE MIGHT NOT BE SERVED IF THE UNITED STATES WERE TO DECLINE SUCH REQUESTS.

3. RE ARTICLE IV: WE MEANT IT TO READ AS SENT TO MFA  
"UNDER THE LAWS OF BOTH COUNTRIES PARTIES AT THE TIME OF ITS COMMISSION." HOWEVER WE CAN SUBSTITUTE "BOTH HIGH CONTRACTING PARTIES" OR "BOTH CONTRACTING PARTIES" FOR CONSISTENCY IF RTG PREFERS.      ROBINSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION, AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 APR 1976  
**Decaption Date:** 01 JAN 1960  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ullricre  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Disposition Reason:**  
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